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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,647

10/06/2003

Daniel Simoen

KOB

7814

7590

04/18/2006

James C. Wray
Suite 300
1493 Chain Bridge Road
McLean, VA 22101

EXAMINER

EVANS, GEOFFREY S

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,647

Applicant(s)

SIMOEN, DANIEL

Examiner

Geoffrey S. Evans

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 1 recites a method of manufacturing components with an intended use that the components be used in a weaving machine. Since the language "weaving machine" is only found in the preamble, and is not necessary to breath life and meaning into the claims, it has not been given patentable weight.
2. The indicated allowability of the subject matter of claim 2 is withdrawn in view of the newly discovered prior art reference Ferrara in U.S. Patent No. 3,464,163.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bowen in U.S. Patent No. 4,476,900. Bowen discloses a part (heddle rod 16) made of two parts, part "A" being made of tempered carbon or stainless steel (see column 3, line 1) and part "B" being made of a thermoplastic or a dissimilar lightweight metal such as aluminum (see column 3, lines 5-8). Clearly Aluminum is made in a different process than steel and has different mechanical and magnetic properties than steel, and each has different functional requirements in the component (Part "B" to absorb noise; see column 4, lines 9-14).
5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bowen et al. in U.S. Patent No. 4,508,145. Bowen et al. discloses a part (heddle frame slat; see

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column 5, line 23) made of a first part (element 110) made of aluminum that has been extruded and a second part (element 112) made of steel that has been shaped in the form of a tube (see column 5, lines 23-27), the two parts being joined together by rivet connections (120). The two parts have different mechanical properties.

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sos et al. in U.S. Patent No. 4,817,399. Sos et al. discloses two parts made separately (see column 7, lines 4-6) that have different shape properties for use in a textile machine, and are laser welded together (see column 7, line 55).

7. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Krzys et al. in U.S. Patent No. 5,828,032. Krzys et al. discloses a component made of two parts of dissimilar materials (steel and aluminum) that are laser welded together.

8. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner et al. in U.S. Patent No. 5,809,647. Wagner discloses laser welding two components of stainless steel and copper that have different sizes and different mechanical and magnetic properties that are welded together to form a component.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bowen et al. in U.S. Patent No. 4,404,995. Bowen et al. discloses welding extruded aluminum slats (see column 3, lines 17-18) to studs (made of stainless steel to resist corrosion; see column 3, line 48) to form part of a component.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sos et al. in U.S. Patent No. 4,817,399 in view of Ferrara in U.S. Patent No. 3,464,163. Ferrara teaches finishing parts by using a vibrating drum (see column 1, lines 46-48). It would have been obvious to adapt Sos et al. in view of Ferrara to provide this to polish and deburr the parts.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in 4,476,900 in view of Baumann in U.S. Patent No. 5,297,589. Baumann in U.S. Patent No. 5,297,589 teaches the equivalence of bonding elements by laser welding, rivets or screws (see column 3, line 64 to column 4, line 4). It would have been obvious to adapt Bowen in view of Baumann to provide this as an equally effective way of bonding the elements of heddle rod 16 together.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in U.S. Patent No. 4,476,900. The size of the heddle is considered a matter of design choice depending upon the size of the other components in the weaving machine. See In re Gardner v. Tec Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. Denied 469 U.S. 830, 225 USPQ 232 (1984).

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen et al. in U.S. Patent No. 4,404,995. The size of the heddle is considered a matter of design choice depending upon the size of the other components in the weaving machine. See In re Gardner v. Tec Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. Denied 469 U.S. 830, 225 USPQ 232 (1984).

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15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sos et al. in U.S. Patent No. 4,817,399. The size of the heddle is considered a matter of design choice depending upon the size of the other components in the weaving machine. See In re Gardner v. Tec Systems, Inc., 725 F.2ed 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. Denied 469 U.S. 830, 225 USPQ 232 (1984).

16. Applicant's arguments filed 2 February 2006 have been fully considered but they are not persuasive. Regarding Wagner, U.S. Patent No. 5,809,647, while the cross sectional area of the component may be larger, the cross sectional areas of the two parts that are welded remains practically the same which is all that is recited by the claim. Since the words in the preamble of "appear in a weaving machine" are not in the main body of the claim and are not necessary to breathe life and meaning into the claims they are not given patentable weight. There are no limitations in claims 1 and 3 of joining the parts "linearly". Similarly regarding Bowen et al. in U.S. Patent No. 4,404,995, while the cross sectional area of the component may be larger, the cross sectional areas of the two parts that are welded remains practically the same which is all that is recited by the claim. There are no limitations in claim 1 of joining the parts "linearly".

17. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

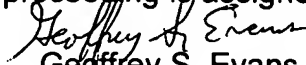
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-

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272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on (571)-272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

GSE


Geoffrey S. Evans
Primary Examiner
Group 1700